Appendix N. Title IX Federal Acquisition Computer Network (FACNET)

The U. S. Congress has passed and the President has signed the *Federal Acquisition Streamlining Act of 1994.*[1]   This act amends the Office of Federal Procurement Policy (OFPP) Act to add section 30 requiring the Administrator of OFPP to establish a program for development and implementation of a Federal Acquisition Computer Network Architecture (referred to as FACNET) that will be Government-wide and provide interoperability among users.

-- OFPP is to consult with heads of appropriate Federal agencies with applicable technical and functional expertise, including OIRA, NIST, GSA and DOD.

-- Government-wide FACNET capability is to be implemented by January 1, 2000.

-- Architecture must have the following capabilities:

Government Functions:

● Provide widespread public notice of solicitations for contracting opportunities of the agency.

● Receive responses to solicitations and associated requests for information.

● Provide public notice of contract awards (including price).

● In cases where it is practicable, issue orders.

● In cases where it is practicable, receive questions regarding solicitations.

● In cases where it is practicable, make payments to contractors by bank card, electronic funds transfer, or other automated methods.

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[1] The Federal Acquisition Streamlining Act of 1994, Senate Bill S1587, House of Representatives Conference Report 103-712, dated August 21, 1994. Bill Signed by President Clinton, October 13, 1994.

- Archive data relating to each procurement action made.

Private Sector Users Functions:

- Access notice of solicitations for contract opportunities issued by agencies.

- Access and review solicitations issued by an executive agency.

- Respond to solicitations issued by the executive agency

- In cases in which it is practicable, receive orders.

- Access information on contract awards (including price).

- In cases in which it is practicable, receive payment by bank card, electronic funds transfer, or other automated means.

General Functions:

- Allow the electronic interchange of procurement information between private sector and the Federal Government and among agencies.

- Employ nationally and internationally recognized data formats that serve to broaden and ease the electronic interchange of data.

- Allow convenient and universal user access through any point of entry.

  -- FAR is to provide appropriate notice and solicitation provisions applicable to acquisitions conducted through electronic commerce.

  -- FAR is to specify required form and content of notices and the minimum periods for solicitations and deadlines for submission of offers which shall afford potential offerors a reasonable opportunity to respond.

- Establishes implementation requirements for FACNET. (Section 9001)

  -- Senior Procurement Executives of executive agencies or, in the case of DOD, the Undersecretary of Defense for Acquisition and Technology, determines that procuring activities of the executive agency have implemented interim FACNET capability and certify to the Administrator of OFPP that such procurement activities have implemented an interim FACNET capability.

-- When the head of an executive agency, with the concurrence of the Administrator OFPP, determines that the executive agency has implemented a full FACNET capability, the agency head certifies to Congress that the agency has implemented a full FACNET.

-- The heads of executive agencies are to implement both interim and full FACNET capability as soon as practicable after the date of the enactment of the Federal Acquisition Streamlining Act of 1994.

-- When the Administrator of OFPP determines that the Federal Government is making at least 75 percent of eligible contracts with the Federal Government in amounts greater than the micro purchase threshold and not greater than the simplified acquisition threshold for the preceding fiscal year through full FACNET, the Administrator certifies to Congress that the Government has implemented a Government-wide FACNET capability.

● Act defines interim FACNET capability as being ableto provide widespread public notice of solicitations and receive responses to solicitations. Private industry must be able to access and review solicitations and respond to solicitations.

-- To certify an activity as interim FACNET capable the activity must conduct procurements (other than a procurement for which notice is not required to be placed in the CBD or with respect to which head of the procuring activity determines that it is not cost effective or practical) through FACNET.

(Section 9001)

● The Act defines full FACNET capability as being implemented (except in the case of procuring activities (or portions thereof) of the executive agency for which the agency head determines that implementation is not cost effective or practicable) when the agency has implemented all of the FACNET functions and more than 75 percent of the eligible contracts in amounts greater than the micro purchase threshold but less than the simplified acquisition threshold entered into during the preceding fiscal year are made through FACNET. (Section 9001)

● The Act defines "eligible contracts" as a contract that is not in any class of contracts determined by the FAR Council to be unsuitable for acquisition through FACNET. (Section 9001)

● The head of each executive agency shall implement FACNET. (Section 9003)

-- Must consult with the Administrator of OFPP.

-- Must designate a program manager to have responsibility for implementation of FACNET capability for that agency. Program manger must report directly to the Senior Procurement Executive of the agency.

- GAO is required to do a report on contracts not suitable for acquisition through FACNET within 3 years after enactment.

    -- FAR Council is to use GAO report in identifying contracts that are not suitable for FACNET.

We believe the architecture described in this report is consistent with the purpose and intent of the new legislation.